



# COMMONWEALTH of VIRGINIA

## CHESAPEAKE BAY LOCAL ASSISTANCE DEPARTMENT

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April 29, 1997

Mr. Bill Hopkins  
Town Planer  
Post Office Box 246  
Town of Smithfield  
Smithfield, Virginia 23430

Dear Mr. Hopkins:

In response to your inquiry as to whether fences are allowed in Resource Protection Area (RPA) buffers, the Department provides the following opinion pursuant to the Bay Act and Regulations.

Fences are considered accessory uses, and, since they are typically parallel and adjacent to property boundaries, may be intrinsically located along property lines which in some cases traverse RPA buffers. Fences also do not constitute significant areas of impervious surfaces and therefore if designed appropriately do not impact the water quality functions of vegetated buffers. Other

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accessory uses, *e.g.*, decks, porches, pools, and garages, are significant areas of impervious surfaces and also may not necessarily have to be located within the RPA buffer. These other accessory uses are not allowed by right in the RPA buffer.

Fences should be designed so that they do not inhibit surface flow. In order to maintain the functional value of the buffer, vegetation may be removed only to provide for the actual placement of a fence. Any vegetation that is removed shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff. Standard setbacks for structures from property lines may also apply.

I hope this information clarifies the issue for you. If you have any questions regarding this letter, or need any additional assistance, please call me at 1-800-243-7229.

Sincerely, —  
  
**Scott W. Kudlas**  
**Chief of Planning Assistance**

cc: Matt Bley, CBLAD Liaison